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**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

In re Application of :

Bertram CEZANNE et al.

Examiner: Joseph R. Kosackl

Serial No.: 10/519,356

Group Art Unit: 1626

Filed: December 28, 2004

*File only*

Title: 2-(PHENYL)-2H.PYRAZOLE-3-CARBOXYLIC ACID-N-4-(THIOXO-HETEROCYCLYL)-PHENYL-AMIDE DERIVATIVES AND CORRESPONDING IMINO-HETEROCYCLYL DERIVATIVES AND RELATES COMPOUNDS FOR USE AS INHIBITORS OF THE COAGULATION FACTORS XA AND/OR VIIA FOR TREATING THROMBOSES

**ELECTION AND AMENDMENT**

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir: In response to the Office Action of January 17, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 20 of this paper.

search would therefore comprise overlapping subject matter, and would not impose an undue search burden on the Examiner. Applicants thus also traverse the Restriction Requirement on the basis that the Examiner has not established that examining all of the claims in the application would constitute a serious burden.

As for Groups VII-IX, these Groups are directed to processes for making compounds of Formula I, including compounds of Groups I-VI, methods of using same, and means designed for use with said compounds. These constitute part of the same invention as Groups I-VI. See §(e) of Annex B.

In view of the above remarks, withdrawal of the restriction requirement is respectfully requested. The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.:MERCK-2952

Date: February 17, 2006

**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective December 8, 2004

Application or Docket Number

**10/519356**

**CLAIMS AS FILED - PART I**

|   | (Column 1)   | (Column 2)                             |
|---|--|--|
| U.S. NATIONAL STAGE FEES                                  |  |  |
| BASIC FEE   | SMALL ENT. = \$ 150  | LARGE ENT. = \$ 300                    |
| EXAMINATION FEE   | Satisfies PCT Article 33(1)-(4) = \$ 50 / \$ 100                     | All other situations = \$ 100 / \$ 200 |
| SEARCH FEE  | U.S. & ISA = \$ 50 / \$ 100<br>ALL other countries = \$ 200 / \$ 400 | All other situations = \$ 250 / \$ 500 |
| FEE FOR EXTRA SPEC. PGS.                                  | minus 100 =  | / 50 =                                 |
| TOTAL CHARGEABLE CLAIMS                                   | <b>33</b> minus 20 =   | <b>13</b>                              |
| INDEPENDENT CLAIMS  | <b>1</b> minus 3 =   |  |
| MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/> |  |  |

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

| RATE       | FEE |
|------------|-----|
| BASIC FEE  |     |
| EXAM. FEE  |     |
| SEARCH FEE |     |
| X \$ 125 = |     |
| X \$ 25 =  |     |
| X \$ 100 = |     |
| + \$ 180 = |     |
| TOTAL      |     |

| RATE       | FEE        |
|------------|------------|
| BASIC FEE  | <b>300</b> |
| EXAM. FEE  | <b>200</b> |
| SEARCH FEE | <b>400</b> |
| X \$ 250 = |            |
| X \$ 50 =  | <b>650</b> |
| X \$ 200 = |            |
| + \$ 360 = |            |
| TOTAL      |            |

\* If the difference in column 1 is less than zero, enter "0" in column 2

**CLAIMS AS AMENDED - PART II**

**12-2804**

|   | (Column 1)                       | (Column 2)                         | (Column 3)    |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT A   | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total   | <b>33</b> Minus                  | <b>33</b>                          | <b>0</b>      |
| Independent   | <b>1</b> Minus                   | <b>3</b>                           | <b>0</b>      |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> |                                  |                                    |               |

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| X \$ 25 =        |                |
| X \$ 180 =       |                |
| + \$ 180 =       |                |
| TOTAL ADDIT. FEE |                |

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| X \$ 50 =        |                |
| X \$ 200 =       |                |
| + \$ 360 =       |                |
| TOTAL ADDIT. FEE |                |

**21706**

|   | (Column 1)                       | (Column 2)                         | (Column 3)    |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT B   | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total   | <b>44</b> Minus                  | <b>33</b>                          | <b>11</b>     |
| Independent   | <b>1</b> Minus                   | <b>3</b>                           | <b>0</b>      |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> |                                  |                                    |               |

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| X \$ 25 =        |                |
| X \$ 100 =       |                |
| + \$ 180 =       |                |
| TOTAL ADDIT. FEE |                |

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| X \$ 50 =        | <b>550</b>     |
| X \$ 200 =       |                |
| + \$ 360 =       |                |
| TOTAL ADDIT. FEE | <b>550</b>     |

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
  - \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than "20", enter "20".
  - \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than "3", enter "3".
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.